Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Improving 911 Reliability	)	PS Docket No. 13-75
	)	
	)	

COMMENTS OF
USTELECOM – THE BROADBAND ASSOCIATION

USTelecom — The Broadband Association (USTelecom)[1] submits these comments in response to the Federal Communications Commission's (Commission) Public Safety and Homeland Security Bureau's (Bureau) request for comment on its 911 network reliability rules.[2] USTelecom supports the Bureau's effort through this *Notice* to evaluate the effectiveness of its 911 network reliability rules and determine whether they are still appropriate five years later. USTelecom believes that the rules have largely had, and continue to have, their desired effect of strengthening the resiliency of 911 networks. If changes are adopted, USTelecom recommends only a few narrowly-tailored administrative tweaks that would make them more efficient in light of past filings.

USTelecom members are in the business of connecting people, and no connections are more important than those to emergency services. Recognizing this, USTelecom members are proud of the substantial work they have done over the past five years to implement the Commission's 2013 *911 Reliability Order*[3] and increase the resiliency and reliability of the 911

[1] USTelecom is the premier trade association representing service providers and suppliers for the telecom industry. Its diverse member base ranges from large publicly traded communications corporations to small companies and cooperatives – all providing advanced communications service to both urban and rural markets.

[2] *Public Safety and Homeland Security Bureau Seeks Comment on 911 Reliability Rules*, PS Docket No. 13-75, Public Notice, DA-18-612 (PSHSB June 13, 2018) (*Notice*).

[3] *Improving 911 Reliability; Reliability and Continuity of Communications Networks, Including Broadband Technologies*, Report and Order, 28 FCC Rcd 17476 (2013) (*911 Reliability Order*).

network in the process. The *911 Reliability Order* came on the heels of the Commission's report on the 2012 derecho, a storm that "brought a wave of destruction across wide swaths of the United States" and was remarkable in that it "moved rapidly across multiple states with very little warning," which did not give first responders and communications providers time to prepare.[4] This "stress test" of the network led to the Commission revisiting its approach to 911 resiliency.

The standards to which the *911 Reliability Order* holds network providers are rigorous and have required network providers to invest thousands of hours and tens of millions of dollars to achieve compliance. In the process, USTelecom members have audited thousands of central offices, host remotes, and aggregation points, using these assessments to make diversity upgrades and to revisit previous diversity decisions.[5] The central office backup power requirements have required service providers to reassess their capabilities and configure their networks appropriately and invest to ensure compliance.[6] Service providers have also implemented new practices and procedures to ensure proper notification to PSAPs.[7] The strength of the rules is that they set a desired standard but offered carriers needed flexibility to work within their network configurations to meet that standard. Though working towards compliance was collectively was a massive undertaking, USTelecom members report that the process has helped focus the direction of their 911 resiliency efforts, achieving the intended effect of "maximiz[ing] flexibility and account[ing] for differences in network architectures without sacrificing 911 service

[4] *Id.* at 17481-82.

[5] *See* 47 C.F.R. § 12.4(c)(1), (3).

[6] *Id.* at § 12.4(c)(2).

[7] *Id.* at § 4.9(h).

reliability."[8] Accordingly, USTelecom does not object to maintaining the current 911 reliability rules as a backstop to aid in 911 reliability, recognizing that no network design is infallible.

While USTelecom believes the underlying 911 reliability rules remain functional and useful in ensuring network reliability and resiliency, the Bureau should consider whether administrative changes to the reporting structure are warranted five years after adoption. In particular, certifying the results of the diversity audit on annual basis is no longer necessary given that the results do not change substantially from year-to-year. The initial effort to audit, reconsider diversity paths, and tag critical circuits for thousands of offices and aggregation points required an investment many-times over the Commission's $9 million annual cost of compliance estimate[9] (to say nothing of the Commission's estimated compliance costs of $0 that it submitted to the Office of Management and Budget as part of the Paperwork Reduction Act Review).[10] Undoubtedly the initial 2015 report required the largest underlying compliance effort and serves as a foundation of future resiliency designs and reporting. Now that the most significant upfront work has been done, the Commission could achieve its same reliability goals and lessen the burdens on reporting entities.

Accordingly, one administrative change that would significantly reduce burdens without changing the effect on resiliency would be to scale down the frequency of reporting to once every three years.[11] Currently, companies must analyze and prepare very large data files for annual

[8] *911 Reliability Order* at 17477, para. 3.

[9] *Notice* at 3.

[10] FCC, Improving 911 Reliability; Reliability and Continuity of Communications Networks, Including Broadband Technologies, 79 Fed. Reg. 61785 (2014) https://www.federalregister.gov/documents/2014/10/15/2014-24474/improving-9-1-1-reliability-reliability-and-continuity-of-communications-networks-including (estimating a total annual filing burden of 169,982 hours while the total annual cost of the burden was estimated at $0).

[11] *See Notice* at 2 ("What frequency of filings (*e.g.*, biannual or triannual filing rather than annual filing) would be sufficient to ensure that networks remain reliable through the course of reconfigurations and other network changes. . . ?").

submission to the Commission but very little of the data changes from year to year after companies did their initial audit. For example, if in 2015 a circuit was examined, reconfigured to ensure diversity or other reasonable measure, and tagged as a critical circuit, it is unlikely that the network design of that circuit would change from one report to the next. Under the current reporting system covered providers are required to resubmit this information annually even if nothing changes; this is an inefficient use of provider resources and also inefficient for the Bureau staff charged with reviewing these very large submissions. Instead, an appropriate change would be to reduce the frequency of the submission to every three years. We note that changes to the frequency of the reporting schedule would not affect the responsibilities of the covered providers under the rules, it is purely an exercise of examining efficiencies in reporting that compliance.

Also, given that covered providers have already undertaken the largest effort to improve resiliency under the rules, there is little need for an ongoing corporate officer-level certification of compliance.[12] It is unclear as to what extra benefit this is providing; companies are responsible, with enforcement penalties for non-compliance, for compliance with the rules regardless of a corporate officer certification. Given that much of the information underlying the certification has become more static after the initial report, the corporate officer-level certification of the report is of even less utility. A simple administrative change eliminating the company certification would be an appropriate change five years later. To the extent the Commission feels it must maintain the certification, the Commission uses certifications or attestations in other public safety contexts without requiring an officer-level certification, which can be appropriate as

[12] *See* 47 C.F.R. § 12.4(a)(3). This section defines a "certifying official" as a "corporate officer of a covered 911 service provider with supervisory and budgetary authority over network operations in all relevant service areas."

director or other senior-level management personnel often are more intimately familiar with the subject matter.[13]

On balance, the rules continue to have utility in providing carriers focus towards our shared goal of creating the most resilient 911 system possible. USTelecom members are committed to continuing to improve resiliency and appreciate the opportunity to offer suggestions on how to evolve the existing rules so that they remain relevant and efficient on an ongoing basis.

Respectfully submitted,

By: _____

Michael Saperstein
USTelecom Association
601 New Jersey Avenue, N.W.
Suite 600
Washington, D.C. 20001
(202) 326-7300

July 16, 2018

[13] *See, e.g.*, 47 C.F.R. § 4.11 ("Notification and Initial and Final Communications Outage Reports shall be submitted by a person authorized by the communications provider to submit such reports to the Commission."); *id.* at § 20.18(m)(4)(iii) ("The certification must be in the form of an affidavit signed by a director or officer of the carrier.").